

LIBEL FILED: July 5, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 2, 1949, by the Killashun Sales Division, from Akron, Ohio.

PRODUCT: 60 gross of *prophylactics* at Boston, Mass. Examination of samples showed that 6 percent were defective in that they contained holes or were brittle.

LABEL, IN PART: "Silver-Tex Prophylactic Mfd. By The Killian Mfg. Co., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements "Prophylactic," "Prophylactics" and "Electronically Tested * * * For Your Protection" were false and misleading as applied to the article, which contained holes and was brittle.

DISPOSITION: August 30, 1949. Default decree of condemnation and destruction.

2881. Adulteration and misbranding of prophylactics. U. S. v. 78 Cartons, etc. (F. D. C. No. 27585. Sample Nos. 63618-K, 63619-K.)

LIBEL FILED: July 19, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about February 9 and November 13, 1948, by the Killashun Sales Div., Inc., from Akron, Ohio.

PRODUCT: *Prophylactics*. 78 cartons, each containing 12 packages of 1 dozen and 196 cartons each containing 48 packages of ¼ dozen at Tampa, Fla. Examination of samples indicated that 36.1 percent of the 78-carton lot and 24.3 percent of the 196-carton lot were defective in that they contained holes or were otherwise defective.

LABEL, IN PART: "Texide Prophylactics Mfd. By L. E. Shunk Latex Prod. Inc., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements, "Prophylactic," "Prophylactics," "Electronically Tested," and "For Your Protection," were false and misleading as applied to an article which contained holes or was otherwise defective.

DISPOSITION: September 22, 1949. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

2882. Misbranding of Gramer's Sulgly-Minol. U. S. v. 88 Bottles, etc. (F. D. C. No. 27560. Sample Nos. 50471-K, 50472-K.)

LIBEL FILED: July 22, 1949, Eastern District of Washington.

ALLEGED SHIPMENT: By Walter W. Gramer, from Minneapolis, Minn. The product was shipped on or about May 26, 1949, and a number of circulars and leaflets were shipped on or about May 26 and June 7, 1949.

*See also Nos. 2873, 2876, 2878-2881.

PRODUCT: 88 bottles of *Gramer's Sulgly-Minol* at Spokane, Wash., together with a number of leaflets entitled "Walter W. Gramer Co. Manufacturers of Gramer's Sulgly-Minol," "Arthritis * * * Hundreds Claim It's Grip Broken," and "Gramer's Sulgly-Minol Sulphur Solution—Follow These Instructions," and a number of circulars entitled "A Light Should Not Be Hidden—Testimonials."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the leaflets and circulars were false and misleading. These statements represented and suggested that the article was effective as a treatment, cure, and preventative for rheumatism and arthritic conditions and as a treatment for boils and acne, whereas the article was not effective for such purposes.

DISPOSITION: September 15, 1949. Default decree of condemnation and destruction.

2883. Misbranding of Sural. U. S. v. 280 Dozen Cartons, etc. (F. D. C. No. 27565. Sample Nos. 55235-K, 56071-K.)

LIBEL FILED: On or about August 3, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 19 and July 13, 1949, by the Norlon Corp., from New York, N. Y., and New Brunswick, N. J.

PRODUCT: 292 dozen cartons each containing a booklet entitled "Sural" and a 100-tablet bottle of *Sural* at North Kansas City, Mo. Examination showed that each tablet of the product contained aspirin (acetylsalicylic acid) 3.5 grains and calcium succinate 3.25 grains.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the booklet were false and misleading. These statements represented and suggested that the article would be adequate and effective for the treatment and cure of arthritis and rheumatism, whereas it would not be adequate and effective for such purposes.

Further misbranding, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient since the name, which was declared on the label, "acetylsalicylic acid," is not the common or usual name for aspirin.

DISPOSITION: September 15, 1949. Default decree of condemnation and destruction.

2884. Misbranding of Jay's Worm Syrup. U. S. v. 158 Bottles * * *. (F. D. C. No. 27149. Sample No. 3186-K.)

LIBEL FILED: May 4, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about March 9, 1949, by Commerce Drug Co., Inc., from Brooklyn, N. Y.

PRODUCT: 158 2-ounce bottles of *Jay's Worm Syrup* at Richmond, Va.

LABEL, IN PART: "Jay's Worm Syrup Alcohol 2 Per Cent Contains Spigelia, Senna, Oils of Caraway & Anise."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Worm Syrup * * * An effective preparation for the removal of Pin Worms Round Worms" were false and misleading since the article was not effective in the removal of worms.